

PRP DCS  
Staiman

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RECEIVED

CERCLA REMEDIAL ENFORCEMENT SECTION

August 31, 1988

SEP 1 1988

Donna McCartney, Compliance Officer  
US Environmental Protection Agency, Region III  
PA CERCLA Remedial Enforcement Section (3HW12)  
841 Chestnut Building, 6th Floor  
Philadelphia, PA 19107

EPA-Region III

Re: Tonolli Corporation Site, Carbon County, PA

Dear Ms. McCartney:

This office represents Staiman Industries, Inc. of 19 Emma Street (P.O. Box 1825), Binghamton, New York, 13902.

You have notified Staiman Industries that it is a PRP under CERCLA, 42 USC 9607(a) for contamination of the Tonolli site.

We do not believe Staiman Industries is in fact a PRP.

Staiman Industries is engaged in the buying and selling of salvage materials.

Tonolli was engaged in a business which involved the recycling of auto and industrial batteries.

Staiman Industries sold four loads of batteries to Tonolli. Two were picked up by Tonolli from Staiman Industries' yard. Two were brokered by Staiman Industries and picked up by Tonolli from another dealer's yard in Elmira, New York.

These sales were of goods intended for a manufacturing process.

None of the sales were for the disposal of a hazardous substance in order to dispose of or treat the substance. That, we understand, is the test for liability under CERCLA (42 USCS 9607(a)(3)).

In view of this, Staiman Industries respectfully declines to participate in response costs or procedures for the Tonolli property.

We would appreciate being kept on your mailing list if this letter does not finally resolve the issues.

Very truly yours,

  
Bruce O. Becker

lc  
cc: Staiman Industries, Inc.

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